

Annual Town Meeting April 24, 25, 26, May 1 and 2

NOTE: The 2006 Annual Town Meeting minutes printed below are excerpted from the official minutes of this meeting. For the complete text of all votes taken at this meeting, contact the Town Clerk's Office.

Pursuant to the Warrant signed by the Selectmen on February 6, 2006, Town Moderator Edward N. Perry called the 2006 Annual Town Meeting to order at 7:05 pm on April 24, 2006 at the Concord-Carlisle High School Auditorium, Cafeteria and, if necessary, the Upper Gymnasium. The Moderator declared that the meeting was properly called and that a sufficient number of voters were present to permit the meeting to be opened.

On a **MOTION** made by Anne Shapiro and duly seconded, the following was **VOTED**:

That this meeting be held in the Concord-Carlisle Regional High School Auditorium, Cafeteria and, if necessary, the Upper Gym, and that the halls be connected by means of a public address system and loudspeakers so that the proceedings in the auditorium can be heard by all voters present in any hall.

Mr. Perry noted that he had appointed Carolyn Flood, George Dallas, Elizabeth Holmes and John Clymer to serve as Assistant Moderators at this Town Meeting, and that they had been duly sworn to the faithful and impartial discharge of their duties. On a **MOTION** made by Anne Shapiro and duly seconded, it was **VOTED**: To elect John Clymer as the Temporary Moderator to preside over this meeting if the Moderator elected by the Town is unable to serve in that position.

Mr. Perry urged everyone to read the Finance Committee Report, the "Moderator's Notes for the 2006 Annual Town Meeting," and "Concord's Town Meeting Traditions and Procedures." Mr. Perry noted that Dr. Susan Curtin would be serving as Town Meeting Resource Person in the Auditorium.

Fire Chief Ken Willette reviewed evacuation procedures in the event of an emergency.

Mr. Perry noted that George Sprott had been appointed Chief Teller, to be assisted by Todd Crocker and Abraham Fisher. David Allen was appointed Ballot Supervisor, to be assisted by Cline Frasier, in the event of a ballot vote. Mr. Perry administered the oath of office to the Tellers and Ballot Counters.

Concord Girl Scouts and Boy Scouts brought the flags forward. Mr. Perry asked attendees to stand and observe a moment of silence and reflect on how, through this Town Meeting, our neighbors and we provide for our common good. He asked that we be reminded that the passions of the moment are not necessarily the best guide for our conduct in the future, and that if sacrifice by a few is required, the sacrifice should be only where the common goal is worthy of the sacrifice. He asked that we approach each issue, no matter how divisive, with an open heart, an open mind, and a sense of humor.

Mr. Perry thanked Town and School staff for their assistance and cooperation in preparing for Town Meeting. He welcomed visitors Charles Salisbury and Joyce Bradshaw, Town Moderator and Town Clerk from North Andover.

Upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: That the reading of the Warrant and the Return of Service thereon be omitted.

Mr. Perry announced the reappointment of Susan Bates, Thomas Anzer and Walter Birge to the Finance Committee; the appointment of Carol Wilson and Michael Lawson; and the retirement from the Committee of Carole Wayland and Ruth Armknecht. He announced the availability of Green Cards.

Mr. Perry noted that at this time, he did not anticipate any motions under Articles 13, 16, 17, 44, 46, 47, 55, 57 and 61. He reviewed the likely schedule and the pre-scheduling of Article 42.

Upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to re-convene in these same premises at 7:00 pm tomorrow evening, April 25th.

ARTICLE 1. CHOOSE TOWN OFFICERS

Under Article 1, Mr. Perry reported the results of the **Town Election** held on March 28, 2006.

Upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: That Article 1 remain open for such other action there under as may be necessary and that the meeting take up Article 2.

ARTICLE 2. HEAR REPORTS

Upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: To accept the reports of the various Town Officers and Committees.

Following a brief explanation by Mr. Perry of the procedures for the proposed Consent Calendar, Mark Russell Prior made the following **MOTION** that was duly seconded:

That the 2006 Annual Town Meeting advance for consideration Articles 14, 19, 20, 21, 22, 23, 24, 25, 52, 53, 58, 62, 63 and 64, and take action on such Articles without debate on any of such Articles, provided that, upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

After reading the motion and giving a brief explanation of each article, the Moderator inquired as to whether there was a request to drop any of the Articles from the Consent Calendar motion. One request each was made for Articles 53 and 63, which did not meet the minimum of five required. Upon a show of hands, with one opposed, the Consent Calendar was accordingly **VOTED BY A TWO-THIRDS MAJORITY**, as declared by the Moderator, as follows:

CONSENT CALENDAR

(Articles 14, 19, 20, 21, 22, 23, 24, 25, 52, 53, 58, 62, 63 and 64)

ARTICLE 14. PROPERTY TAX EXEMPTION

Upon a **MOTION** duly made and seconded, it was

VOTED: To accept the provisions of §4 of Ch. 73 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988, and to increase by 100% the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17D, 22, 22A, 22B, 22C, 22D, 22E, 37A and 41C of §5 of Ch. 59 of the MGL.

ARTICLE 19. LIGHT PLANT PAYMENT IN LIEU OF TAXES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the Town vote to authorize a transfer of \$340,000 from the Operating Fund of the Light Plant to be used by the Board of Assessors to reduce the tax levy for FY 2007.

ARTICLE 20. LIGHT PLANT EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from sales of electricity, and from servicing and jobbing during the ensuing fiscal year, together with the balance of operating cash in the Light Plant, be expended without further appropriation under the direction and control of the Town Manager for the expenses of the Light Plant.

ARTICLE 21. ROAD REPAIR REVOLVING FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income and fees paid by applicants to the Commissioners of Public Works for permits to dig up, alter or disturb a public way, in an amount not to exceed \$100,000, be expended without further appropriation for the purpose of repairing, restoring, maintaining and inspecting public ways.

ARTICLE 22. SOLID WASTE DISPOSAL FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees for solid waste disposal services by Concord Public Works be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 23. SEWER SYSTEM EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees, special service fees and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Sewer Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 24. SEWER IMPROVEMENT FUND EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from sewer improvement fees during the ensuing fiscal year, together with the balance of operating cash in the Sewer Improvement Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 25. WATER SYSTEM EXPENDITURES

Upon a **MOTION** duly made and seconded, it was

VOTED: That the income from user fees, special service fees, and jobbing services by the Water and Sewer Division of Concord Public Works during the ensuing fiscal year, together with the balance of operating cash in the Water Fund, be expended without further appropriation under the direction and control of the Town Manager.

ARTICLE 52. FIRE ENGINE REPLACEMENT

Upon a **MOTION** duly made and seconded, it was

VOTED: To appropriate the sum of \$420,000, to be expended under the direction of the Town Manager, for the purchase of Fire Dept. equipment – replacement of Engine 8 and other related costs, and to authorize the Selectmen to borrow this amount.

ARTICLE 53. HUNT GYMNASIUM ROOF REPLACEMENT

Upon a **MOTION** duly made and seconded, it was

VOTED: To appropriate the sum of \$75,000, to be expended under the direction of the Town Manager, for remodeling, reconstructing or making extraordinary repairs to the Hunt Gymnasium roof and other related costs, and to authorize the Selectmen to borrow this amount.

ARTICLE 58. DEBT RESCISSION

Upon a **MOTION** duly made and seconded, it was

VOTED: To rescind the unused balance of a \$55,000 borrowing authorized under Article 58 of the 2003 Town Meeting for Ripley Building roof replacement.

ARTICLE 62. RESCISSION OF BICYCLE AND TOWN AUDIT BYLAWS

Upon a **MOTION** duly made and seconded, it was

VOTED: To rescind the Bicycle Bylaw adopted in 1956 and amended in 1975, and the Town Audit Bylaw adopted in 1939.

ARTICLE 63. AMENDMENTS TO THE TRASH PICKUP BYLAW & REGULATIONS OF VEHICLES BYLAW

Upon a **MOTION** duly made and seconded, it was

VOTED: To amend Section 2 of the Regulation of Vehicles Bylaw adopted in 1924, and to delete the entire text of the Trash Pickup Bylaw adopted in 1984, and replace it with a new text.

ARTICLE 64. AMENDMENTS TO MAKE TOWN BYLAWS CONFORM TO THE NON-CRIMINAL DISPOSITION OF VIOLATIONS BYLAW

Upon a **MOTION** duly made and seconded, it was

VOTED: To amend a number of bylaws to conform with the Bylaw for Non-Criminal Disposition of Violations of Town Bylaws so that the fines for violations are in accordance with Appendix A of the Regulations for Enforcement of Town Bylaws.

End of Consent Calendar

ARTICLE 3. MEETING PROCEDURE

Upon a **MOTION** made by Mark Russell Prior and duly seconded, it was

VOTED: To adopt a Rule of the Meeting governing requirements on motions and amendments to motions made under articles concerning expenditures, in order to assure compliance with the requirements of Proposition 2½.

ARTICLE 4. SECRET BALLOT VOTING PROCEDURE

The following **MOTION** was made by Judith Terry and duly seconded:

That the 2006 Annual Town Meeting adopt the following Rule for the conduct of the 2006 Annual Town Meeting:

On any vote at this Meeting, the vote shall be taken by secret ballot if 100 voters present at the Meeting so request before the Moderator calls for a vote to be taken.

A **MOTION TO AMEND** was made by Charles Blair, and duly seconded. The amendment, which proposed changing "100 voters" to "10% of those present," failed to pass. A vote was then taken on Ms. Terry's original motion, which **PASSED** on a show of hands.

ARTICLE 5. RATIFY PERSONNEL BOARD CLASSIFICATION ACTIONS

Upon a **MOTION** made by Anthony DeGregorio and duly seconded, it was

VOTED: To ratify the Personnel Board's actions to amend the Classification and Compensation Plan for Town employees for FY2006.

ARTICLE 6. CLASSIFICATION & COMPENSATION PLAN FOR ACL & LABORING EMPLOYEES

Upon a **MOTION** made by Anthony DeGregorio and duly seconded, it was

VOTED: To amend the Classification and Compensation plans for Administrative-Clerical-Library and Laboring employees, effective July 1, 2006.

ARTICLE 7. CLASSIFICATION & COMPENSATION PLAN FOR MANAGERIAL & PROFESSIONAL EMPLOYEES

Upon a **MOTION** made by Anthony DeGregorio and duly seconded, it was

VOTED: To amend the Classification and Compensation plan for Managerial and Professional employees, effective July 1, 2006.

ARTICLE 8. TOWN BUDGET

After presentations by Finance Committee Chair Mark Russell Prior and Town Manager Christopher Whelan, and upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: To raise and appropriate the following sums of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2007, provided that no amount in excess of \$26,843,040 shall be considered appropriated unless such amount, up to an additional \$213,051, is voted by the Town to be exempt from the limitation on total taxes imposed by MGL Ch, 59, §21C (Proposition 2½); and that the same be expended only for such purposes under the direction of the Selectmen and Town Manager:

Item No.	Department	FY06 Appropriation	Amount Contingent
General Government			
1A	Town Manager	255,478	
1C	Town-wide building maintenance	110,000	20,000
	TOTAL Town Manager Acct.#1	365,478	20,000
2	Legal Services	250,000	20,000
3A	Elections	38,208	
3B	Registrars	9,450	
	TOTAL Elections & Registrars Acct. #3	47,658	
4	Town Meeting & Reports	62,390	
<u>5</u>	Planning and Land Management		
5A	Planning	210,293	10,000
5B	Board of Appeals	45,259	
5C	Natural Resources	164,790	2,051
5E	Inspections	274,369	
5F	Health	195,091	
	TOTAL Planning & Land Management	889,802	12,051
6	141 Keyes Road	61,939	
	Total General Government	1,677,267	52,051
Finance and Administration			
7	Finance Committee	1,275	
8	Personnel Administration	132,461	
9	Finance Department		

9A	Administration	176,269	
9B	Treasurer-Collector	206,445	
9C	Town Accountant	113,885	
9D	Assessors	335,435	
9E	Town Clerk	173,788	
	TOTAL Finance Department	<u>1,005,822</u>	
10	Information Systems	303,353	5,000
11	Town House	91,628	
	Total Finance and Administration	<u>1,534,539</u>	<u>5,000</u>

Public Safety

12	Police Department	3,210,725	28,000
13	Fire Department	2,921,280	63,000
14	West Concord Fire Station	60,043	
15	Police and Fire Station	181,645	
16	Emergency Management	8,360	
17	Animal Control	17,116	
	Total Public Safety	<u>6,399,169</u>	<u>91,000</u>

Public Works and Facilities

18	CPW Administration	133,019	
19	Engineering	290,850	
20	Highway Maintenance	983,337	16,000
21	Snow Removal	430,000	
22	Parks and Trees	472,049	
23	Cemetery	57,336	
24	Street Lighting	66,700	
25	CPW Equipment	258,000	10,000
26	Drainage Program	155,000	19,000
27	Sidewalk Management	90,000	10,000
28	133/135 Keyes Road	117,976	
	Total Public Works and Facilities	<u>3,054,267</u>	<u>55,000</u>

Human Services

29	Library	1,528,540	10,000
30	Recreation Administration	76,779	
31	Hunt Recreation Center	81,838	
33	Harvey Wheeler Community Center	118,111	
34	Council on Aging	194,513	
36	Veterans Services and Benefits	38,989	
37	Ceremonies and Celebrations	22,650	
38	Information Center	29,752	
	Total Human Services	<u>2,091,172</u>	<u>10,000</u>

Unclassified

39	Town Employee Benefits	62,000	
40	Reserve Fund	200,000	
41	Salary Reserve	550,000	
43	Road Improvements	80,000	
	Total Unclassified	<u>892,000</u>	

Subtotal, accounts 1 - 43		15,648,414	213,051
Joint (Town-CPS)			
44A	Group Insurance	3,195,000	
44B	Property & Liability Insurance	225,000	
	TOTAL Insurance Acct. #44	3,420,000	
45	Unemployment & Workers' Comp.	200,000	
46	Retirement	2,310,000	
47	Social Security & Medicare	508,000	
48A	Debt Service - within levy limit	2,750,000	
48B	Debt Service - debt exclusion	2,219,677	
	TOTAL Debt Service Acct. #48	4,969,677	
	Total Joint Accounts	11,407,677	
TOTAL ARTICLE 8		27,056,091	213,051

ARTICLE 9. PUBLIC SCHOOL BUDGET

After presentations by CPS Committee Chair Jerry Wedge and Finance Committee Vice Chair Susan Bates, and upon a **MOTION** made by Jerry Wedge and duly seconded, the following was:

VOTED UNANIMOUSLY: That the Town raise from the tax levy and appropriate the sum of \$25,460,285 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2007, provided that no amount in excess of \$25,219,817 shall be considered appropriated unless such amount up to an additional \$240,468 is voted by the Town to be exempt from the limitation on total taxes imposed by Proposition 2½.

ARTICLE 10. REGIONAL SCHOOL BUDGETS

Motion 1. Concord-Carlisle Regional School

The following **MOTION** was made by CCRSD Chair Patrick Sinnott and duly seconded:

That the Town raise from the tax levy and appropriate the Town's apportioned share of \$12,336,746 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2007, provided that no amount in excess of \$12,132,727 shall be considered appropriated unless such amount up to an additional \$204,019 is voted by the Town to be exempt from the limitation on total taxes imposed by Proposition 2½.

Motion to Amend -- Non-Binding Resolution -- Concord-Carlisle Regional School Budget

Upon a **MOTION** made by Phebe Ham and duly seconded, the following **AMENDMENT** to Motion 1 was

VOTED: To amend the operating budget of the Concord-Carlisle High School, increasing it by the token sum of \$2.00 to be added to the Concord-Carlisle Adult & Community Education Program, and furthermore request that the Concord-Carlisle Regional School Committee consider reinstating the administrative costs of the program in their FY08 operating budget, and that they hold a hearing at the Town House or other facility where the proceedings can be televised live to allow the citizens of Concord and Carlisle to be heard on this matter.

An additional **MOTION TO AMEND** Mr. Sinnott's motion by reducing the assessment and appropriation by \$200,000, made by Lee Ann Kay and duly seconded, **FAILED TO PASS**. A vote was then taken on Mr. Sinnott's original motion, as amended by Ms. Ham's motion, and this **PASSED** with a show of hands.

Motion 2. Minuteman Regional Vocational Technical School District

Upon a **MOTION** made by John Lang and duly seconded, it was

UNANIMOUSLY VOTED: To raise from the tax levy and appropriate the Town's apportioned share of \$502,317 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2007.

At 10:20 pm, a **MOTION TO ADJOURN** was duly made, seconded, and **VOTED**.

Adjourned Session—April 25, 2006

Mr. Perry called the second session of the 2006 Annual Town Meeting to order at 7:00 pm. Anne Shapiro, on behalf of the Board of Selectmen, recognized Town employees with 25+ years of service. Recognition was given to Thomas Chin, an employee of the Light Plant, who died suddenly after 24½ years of service to the Town. Condolences were extended to Mr. Chin's family and colleagues. Virginia McIntyre, on behalf of the Board of Selectmen, offered thanks to Judith Terry, who is retiring from the Board of Selectmen after this Town Meeting, for her years of service to the Town.

Upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 pm tomorrow evening, April 26th.

ARTICLE 11. ANNUAL SCHOOLS OPERATING OVERVIEW (by petition)

Upon a **MOTION** made by Tim Blancke and duly seconded, the following was

VOTED (with 206 voting in favor, and 193 opposed): To request the Concord Public School Committee and the Concord-Carlisle Regional School Committee to provide the taxpayers, on an annual basis and at least 30 days prior the Annual Town Meeting, with an operating overview containing comprehensive information that will help the Town's voters decide how they will vote on upcoming Concord schools' operating budgets and major capital funding items.

ARTICLE 12. FREE CASH USE

Upon a **MOTION** made by Mark Russell Prior and duly seconded, it was

VOTED: To authorize and direct the Assessors to take \$500,000 from Free Cash to reduce the tax levy for the fiscal year ending June 30, 2007.

ARTICLE 13. UNPAID BILLS

There was **NO MOTION** under this Article.

ARTICLE 14. Voted previously under Consent Calendar.

ARTICLE 15. PROPERTY TAX DEFERRAL INTEREST RATE

Upon a **MOTION** made by Peggy Briggs and duly seconded, the following was

VOTED: That the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. Ch. 39, §5, Cl. 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2006.

ARTICLE 16. TAX RELIEF OPTIONS

There was **NO MOTION** under this Article.

ARTICLE 17. TAX RELIEF FOR SENIOR CITIZENS (by petition)

There was **NO MOTION** under this Article. The petitioner Phebe Ham made a brief statement.

ARTICLE 18. RETIREMENT BOARD, LOCAL OPTION ACCEPTANCE, DISABILITY RETIREMENT BENEFITS FOR VETERANS

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

VOTED: To accept the provisions of M.G.L. Ch. 32, §7, subdivision (2), as enacted by Ch. 157 of the Acts of 2005, which grants an additional yearly retirement allowance of \$15 for each year of creditable service to eligible veterans who retired on accidental disability.

ARTICLES 19-25. Voted previously under Consent Calendar.

ARTICLE 26. 2006 ROAD PROGRAM

Upon a **MOTION** made by Sally Schnitzer and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$700,000 for the reconstruction or renovation of roads and streets within the town and for traffic signals, and that to meet said appropriation, the Town authorize the Town Treasurer with the approval of the Board of Selectmen to borrow the sum of \$700,000; and that the Town Manager be authorized to accept and expend state and/or county grants as may be available for the same purpose.

ARTICLE 27. COMMUNITY POOL ENTERPRISE FUND—FY07 BUDGET ENACTMENT

Upon a **MOTION** made by Christopher Whelan and duly seconded, the following was

VOTED: To appropriate the sum of \$2,218,210, the estimated revenues of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2006, said appropriation to be expended under the direction of the Town Manager for the operation of the Beede Swim & Fitness Center during FY07, in accordance with Ch. 44, §53F½.

ARTICLE 28. COMMUNITY PRESERVATION COMMITTEE EXPENDITURE RECOMMENDATIONS

The following **MOTION** was made by Gary Clayton and duly seconded:

Pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate \$1,815,000 from the Concord Community Preservation Fund, to be expended under the direction of the Town Manager, for the following:

Item	Project Description	Amount	Category	Prior Year Fund Balance	FY2007 CPA Fund Revenues
A	Affordable Housing Committee	79,000	Housing	65,000	14,000
B	CHA, Amendolia Land	350,000	Housing	0	350,000
C	Concord Housing Trust	222,000	Housing	200,000	22,000
D	Emerson Umbrella	200,000	Hist. Preservation	200,000	0
E	Town House Sprinklers	114,000	Hist. Preservation	0	114,000
F	FOPAC	60,000	Hist. Preservation	0	60,000
G	Save Our Heritage—Barrett Farm House	200,000	Hist. Preservation	0	200,000
H	Warner's Pond Dam	250,000	Open Space-80% Recreation-20%	0	250,000
I	Emerson Playground	0	Recreation	0	0
J	Bruce Freeman Rail Trail	160,000	Recreation-50% Open Space-50%	160,000	0
K	Administration	30,000		26,573	3,427
TOTALS		1,665,000		651,573	1,013,427

A **MOTION TO AMEND** by deleting the allocation for Item C was made by Timothy Franco and duly seconded. A counted vote was taken, with 224 voting in favor and 261 opposed. Mr. Franco's amendment **FAILED TO PASS**.

A **MOTION TO AMEND** (J-1) by reducing the allocation to Item J from \$160,000 to \$40,000, to be used for design funding of Section I only from Acton to the West Concord Train Station was made by James Coutre and duly seconded. A **MOTION TO AMEND** (J-2) by reducing the allocation for Item J from \$160,000 to \$0 was made by Holly Boyle and duly seconded. A **MOTION TO AMEND** (J-3) by reducing the allocation to Item J from \$160,000 to \$30,000, to be used exclusively for environmental assessment on White Pond and the other environmentally sensitive areas along the proposed Rail Trail was made by Kenneth Zurbrigg and duly seconded. Votes were taken on Amendments J-1 and J-2, and both **FAILED TO PASS** on a show of hands. In light of those defeats, no vote was taken on Amendment J-3. A vote was then taken on Mr. Clayton's original **MOTION**, which **PASSED** on a show of hands.

At 11:09 pm, a **MOTION TO ADJOURN** was duly made, seconded, and **VOTED**.

Adjourned Session—April 26, 2006

Mr. Perry called the third session of the 2006 Annual Town Meeting to order at 7:01 pm.

Upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 on Monday, May 1st.

Mr. Perry expressed gratitude to the Regional School Committee, Principal Arthur Dulong, faculty, students and staff of Concord-Carlisle Regional High School for accommodating Town Meeting in this building. School Committee Chairs Patrick Sinnott and Jerry Wedge recognized those CPS and CCRSD employees with 25+ years of service, along with those who are retiring this year. Betsy Bilodeau recognized Patrick Sinnott, who is retiring from the School Committee after this Town Meeting, thanking him for his years of service to the community.

In recognition of the 20th year of Concord's Sister City relationship with the city of San Marcos, Nicaragua, Steven Bloomfield, Chair of the Concord-San Marcos Sister City Committee introduced Sra. Maria Dolores Vado, Concord's essential partner in San Marcos. Ms. Vado expressed her gratitude for the opportunity to see Concord government at work, and was honored and pleased to be present to celebrate the 20th anniversary of the relationship.

Mr. Perry noted that Article 42 was pre-scheduled and would be taken up next.

ARTICLE 42. DESIGN FUNDS FOR NEW WILLARD SCHOOL

On a **MOTION** made by Jan McGinn and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$1,840,000 to be expended under the direction of the Town Manager for architectural and engineering services for plans and specifications for the construction of a new Willard School; and that the Selectmen be authorized to borrow the funds to meet this expenditure; provided that no debt be issued unless the amounts required to pay for the principal and interest on the bonds are voted to be exempt from the limitations of Proposition 2½. (Note from Town Clerk: Debt Exclusion vote was approved by the voters at the March 28, 2006 Town Election ballot.)

ARTICLE 29. WARNER'S POND DAM REHABILITATION

On a **MOTION** made by Jeff Wieand and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$250,000 to be expended under the direction of the Town Manager for the reconstruction of the Warner's Pond Dam, and that to meet this appropriation the Selectmen be authorized to borrow \$250,000.

ARTICLE 30. TOWN HOUSE SPRINKLER SYSTEM

On a **MOTION** made by Christopher Whelan and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$116,000 to be expended under the direction of the Town Manager for the installation of a fire protection sprinkler system in the Town House, and that to meet this appropriation the Selectmen be authorized to borrow \$116,000.

ARTICLE 31. SLEEPY HOLLOW CEMETERY LOT SALES TO FORMER RESIDENTS

On a **MOTION** made by Richard Monaghan and duly seconded, the following was

UNANIMOUSLY VOTED: To rescind the vote of the 1883 Town Meeting restricting the sale of cemetery lots to Town residents, so as to permit the Cemetery Committee to establish a regulation permitting the sale of cemetery lots to former Town residents that have resided in Concord for a minimum of one year, and according to rules established by the Cemetery Committee.

ARTICLE 32. BURKE LAND FINANCING PLAN/SALE OF LAND ON STRAWBERRY HILL RD

The following **MOTION** was made by Virginia McIntyre and duly seconded:

To authorize the transfer of the control of the parcel of land at 14A Strawberry Hill Road, which has been declared surplus by the Concord School Committee, to the Selectmen to sell under terms and conditions agreeable to the Board, including the preservation in its natural state of the ridge along the southern boundary, protection of the wetlands and limitation of the prospective use of the property to no more than 20 units of housing, and to authorize the Town Treasurer to apply the net proceeds of such sale to retire any outstanding bonds issued by the Town for the purchase of the land at 11A Old Bedford Road, up to a maximum of \$2,500,000 plus the short-term borrowing costs, and to transfer any funds above that amount to a School Capital Needs Stabilization Fund, and to transfer the 14.5 acres of land at 11A Old Bedford Road to the care and custody of the School Committee.

The following **MOTION TO AMEND** was made by Terry Rothermel and duly seconded:

To add the following Amendment to the end of the Main Motion:

The Vision for Development of the site will be that of a community of mixed market and affordable housing. The development of the site shall seek to provide housing for a wide range of income levels, including housing for seniors. The maximum number of all housing units will be 20, with a minimum of 25% provided that are affordable units that will count towards the State's 10% goal for Concord and remain affordable in perpetuity. Alternative bids to purchase the site for conservation land will be required to provide easily accessible building lots for at least six affordable housing units.

A **MOTION** was made to **CALL THE QUESTION** on Mr. Rothermel's amendment, which passed by a two-thirds majority and was so declared by the Moderator. A vote was then taken on Mr. Rothermel's amendment, which **PASSED**, with 253 voting in favor and 168 opposed.

Ann Colony offered a **MOTION TO AMEND** that was duly seconded, that reduced Mr. Rothermel's number of housing units from 20 to 8, and eliminated the provision for affordable housing units. A **MOTION** was made and seconded to **CALL THE QUESTION** on Ms. Colony's amendment, which passed by a two-thirds majority and was so declared by the Moderator. A **VOTE** was then taken on Ms. Colony's motion to amend, which **FAILED** on a show of hands.

Tim Novick offered a **MOTION TO AMEND** that was duly seconded, that directed the Selectmen not to sell the Strawberry Hill land, and to appoint a committee to further study the future use of the land, reporting back to Town Meeting for discussion no later than 2008, and that action be taken on any recommendations no later than Town Meeting 2009.

A **MOTION** was made and seconded to **CALL THE QUESTION** on Mr. Novick's amendment, which passed by a two-thirds majority and was so declared by the Moderator. A **VOTE** was then taken on Mr. Novick's motion to amend, which **FAILED** on a show of hands.

After further discussion, a **VOTE** was then taken on Ms. McIntyre's original motion, as amended by Mr. Rothermel. After a standing count, the **MOTION AS AMENDED PASSED BY A TWO-THIRDS MAJORITY**, with 252 voting in favor and 97 opposed, and was so declared by the Moderator.

At 11:40 pm, a **MOTION TO ADJOURN** was duly made, seconded, and **VOTED**.

Adjourned Session—May 1, 2006

Mr. Perry called the fourth session of the 2006 Annual Town Meeting to order at 7:05 pm. Judith Keyes was added to the roster of those serving as Assistant Moderators.

Upon a **MOTION** made by Anne Shapiro and duly seconded, it was

VOTED: That the Meeting take up no new business after 10:00 pm, and when we adjourn, we vote to reconvene in these same premises at 7:00 on Tuesday, May 2nd.

ARTICLE 33. EASEMENT AT 11A OLD BEDFORD ROAD FOR CONCORD HOUSING TRUST

On a **MOTION** made by Peter Farrow and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To authorize the Selectmen to convey a non-exclusive easement on the property at 11A Old Bedford Road to Concord Housing Trust, Inc. for the purpose of access to, and for utilities serving, housing to be built on the rear portion of the land at 129 Old Bedford Road.

ARTICLE 34. ZONING BYLAW AMENDMENT—DEFINE AFFORDABLE HOUSING

On a **MOTION** made by Toby Kramer and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To amend the Zoning Bylaw to add a definition of "affordable housing" to §1.3.

ARTICLE 35. ZONING BYLAW AMENDMENT—REQUIRE AFFORDABLE HOUSING IN COMBINED BUSINESS/RESIDENCE USE

The following **MOTION** was made by Toby Kramer and duly seconded:

To amend the Zoning Bylaw to add a requirement for the provision of affordable housing in all combined business/residence uses by deleting §4.2.3 in its entirety and adding a new §4.2.3. At least 10% of the dwelling units (and no less than one unit) are to be made available as affordable housing.

Tom Conway, representing the Concord Housing Foundation, offered a **MOTION TO AMEND**, which was duly seconded, which changed the 10% in Ms. Kramer's motion to 20% in §4.2.3.2. After discussion, a **VOTE** was taken on Mr. Conway's amendment, which **PASSED**, with 143 voting in favor and 125 opposed. A **MOTION** was made to **CALL THE QUESTION**, which was seconded and **PASSED** by a two-thirds majority, and was so declared by the Moderator.

A **VOTE** was then taken on Ms. Kramer's **MOTION AS AMENDED**, which **PASSED BY A TWO-THIRDS MAJORITY**, and was so declared by the Moderator.

ARTICLE 36. ZONING BYLAW AMENDMENT—REQUIRE AFFORDABLE HOUSING IN COMBINED INDUSTRIAL/BUSINESS/RESIDENCE USE

The following **MOTION** was made by Toby Kramer and duly seconded:

To amend the Zoning Bylaw to add a requirement for the provision of affordable housing in all combined industrial/business/residence uses by deleting §4.2.4 in its entirety and adding a new section. At least 10% of the dwelling units (and no less than one unit) are to be made available as affordable housing.

Tom Conway offered a **MOTION TO AMEND**, which was duly seconded, which changed the 10% in Ms. Kramer's motion to 20% in §4.2.4.2. A **VOTE** was taken on Mr. Conway's amendment, which **PASSED**, with 158 voting in favor and 109 opposed. A **VOTE** was then taken on Ms. Kramer's **MOTION AS AMENDED**, which **PASSED BY A TWO-THIRDS MAJORITY**, and was so declared by the Moderator.

ARTICLE 37. ALCOTT SCHOOL CONVERSION (by petition)

A **MOTION** made by Valerie DiRenzo and duly seconded, to instruct the Town Manager and Selectmen to negotiate with the School Committee and Walden Woods to convert the original Alcott School to senior citizens' housing, **FAILED TO PASS** on a show of hands.

ARTICLE 38. ZONING BYLAW AMENDMENT—LAND BETWEEN OLD STOW RD & POND LANE (by petition)

On a **MOTION** by Peter Belden that was duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To amend the Zoning Map by changing the zoning district of portions of three abutting land parcels on Old Stow Road and Pond Lane from Industrial to Residence C.

ARTICLE 39. MILL DAM CULVERT REHABILITATION

On a **MOTION** by Elissa Brown that was duly seconded, the following was **VOTED UNANIMOUSLY**, and was so declared by the Moderator:

To appropriate the sum of \$300,000 to be expended under the direction of the Town Manager for the reconstruction of the Mill Dam culvert in Concord Center, and to authorize the Selectmen to borrow \$300,000.

ARTICLE 40. ADDITIONAL DEBT AUTHORIZATION FOR AIR CONDITIONING AT THOREAU SCHOOL

On a **MOTION** made by Rebecca Shannon and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$350,000 to be expended under the direction of the Town Manager, in addition to the \$16,800,000 previously appropriated, for the purposes of construction of the new Thoreau School building, and to authorize the Selectmen to borrow \$350,000.

ARTICLE 41. CONCORD PUBLIC SCHOOLS RENOVATION

On a **MOTION** made by Betsy Bilodeau and duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**, and so declared by the Moderator:

To appropriate the sum of \$800,000 to be expended under the direction of the School Committee for the purpose of remodeling, reconstructing or making extraordinary repairs to the Concord Public School facilities, and to authorize the Selectmen to borrow \$800,000.

ARTICLE 42. Previously voted on April 26th.

ARTICLE 43. WILLARD SCHOOL RENOVATIONS

There was **NO MOTION** under this article.

ARTICLE 44. FY2006 SUPPLEMENTAL APPROPRIATION CONCORD PUBLIC SCHOOLS

There was **NO MOTION** under this article.

ARTICLE 45. CCHS BUILDING IMPROVEMENTS

On a **MOTION** made by Betsy Bilodeau that was duly seconded, the following was

VOTED: To approve \$1,200,000 of debt authorized by the Concord-Carlisle Regional School District for the purposes of financing renovations to the Concord-Carlisle High School, provided that the amounts required to pay the Town's assessable share of the bonds are voted by the Town to be exempt from the tax limitations of Proposition 2½.

ARTICLE 46. CCHS SUPPLEMENTAL ASSESSMENT FY2006

There was **NO MOTION** under this article.

ARTICLE 47. FY2006 SUPPLEMENTAL APPROPRIATION FROM THE LAND FUND

There was **NO MOTION** under this article.

ARTICLE 48. MORATORIUM ON INSTALLATION OF SURVEILLANCE CAMERAS BY SCHOOL, REGIONAL AND TOWN DEPARTMENTS (by petition)

A **MOTION** made by James Catterton and duly seconded, which would have enacted a moratorium on the installation and operation of surveillance cameras in and around Concord Public Schools, the Concord-Carlisle Regional High School, and Town-owned buildings and grounds, **FAILED TO PASS**.

ARTICLE 49. REMOVAL OF SURVEILLANCE CAMERAS AND EQUIPMENT AT THE CONCORD-CARLISLE REGIONAL HIGH SCHOOL (by petition)

A **MOTION** made by James Catterton and duly seconded, which would have required the removal of surveillance cameras and equipment installed at the Concord-Carlisle Regional High School, **FAILED TO PASS**.

At 10:20 pm, a **MOTION TO ADJOURN** was duly made, seconded, and **VOTED**.

Adjourned Session—May 2, 2006

Mr. Perry called the fifth session of the 2006 Annual Town Meeting to order at 7:05 pm.

ARTICLE 50. TELEVISIONING ALL CONCORD SCHOOL COMMITTEE MEETINGS (by petition)

There was **NO MOTION** under this article, but petitioner Charles Blair made a statement indicating that the School Committees have agreed to have their meetings televised, live or on tape, to be shown on the local CCTV network, and will work with CCTV to accomplish the requests made in the article as soon as possible.

ARTICLE 51. WALDEN STREET POLICE/FIRE STATION RENOVATIONS DESIGN

On a **MOTION** made by Christopher Whelan that was duly seconded, the following was **VOTED BY A TWO-THIRDS MAJORITY**:

To appropriate the sum of \$200,000 to be expended under the direction of the Town Manager for the engineering and architectural services related to renovations at the Walden Street Police/Fire Station, and to authorize the Selectmen to borrow \$200,000.

ARTICLES 52 & 53. Voted previously under Consent Calendar.

ARTICLE 54. COUSINS FIELD IMPROVEMENTS – DESIGN

The following **MOTION** was made by Christopher Whelan and duly seconded:

To appropriate the sum of \$75,000 to be expended under the direction of the Town Manager for the design of improvements at the Cousins Field, and to authorize the Selectmen to borrow \$75,000.

After discussion, a counted vote was taken and the **MOTION FAILED TO PASS** (106 voting in favor, 67 opposed; 2/3 vote required).

ARTICLE 55. RAILROAD GRADE CROSSING IMPROVEMENTS

There was **NO MOTION** under this article.

ARTICLE 56. RAILROAD CROSSING IMPROVEMENTS (by petition)

A **MOTION** was made by Valerie DiRenzo that was duly seconded, to appropriate the sum of \$1,200,000 for the purpose of upgrading the signals and safety mechanisms located at the Commonwealth Avenue and Sudbury Road railroad crossings. Deborah Bier offered a **SUBSTITUTE MOTION** that was duly seconded, to form a five-year Task Force to assess the safety of and pro-actively aid planning for future improvements at all five of the Town's at-grade railroad crossings. Both motions **FAILED TO PASS**.

ARTICLE 57. DIVISION OF THE ANNE B. CHAMBERLIN PARK TRUST FUND

There was **NO MOTION** under this article.

ARTICLE 58. Voted previously under Consent Calendar.

ARTICLE 59. NEIGHBORHOOD CONSERVATION DISTRICT BYLAW FOR CONCORD (by petition)

A **MOTION** was made by Win Wilbur that was duly seconded, to establish a Concord Neighborhood Conservation District Bylaw. A **MOTION TO AMEND** was offered by Lawrence Beaupre and duly seconded, that required 2/3 of the property owners in the proposed district to sign a petition. After discussion, a **VOTE** was taken on Mr. Beaupre's amendment, which **PASSED**. A **MOTION TO AMEND** was offered by Steve Carr and duly seconded, that required a "District" to have a minimum of seven houses. After discussion, a **VOTE** was taken on Mr. Carr's amendment, which **FAILED TO PASS**. After further discussion, a **VOTE** was taken on Ms. Wilbur's original motion as amended by Mr. Beaupre, and this **FAILED TO PASS**, with 59 voting in favor and 205 opposed.

ARTICLES 60 & 61. There was **NO MOTION** under these articles.

ARTICLES 62-64. Voted previously under Consent Calendar.

The meeting concluded with the business of the Warrant, and upon a **MOTION** duly made and seconded, the 2006 Annual Town Meeting adjourned and dissolved at 10:21 pm.

Respectfully submitted,

Anita S. Tekle
Town Clerk

ATTENDANCE: There 392 registered voters in attendance on 4/24; 599 on 4/25; 888 on 4/26; 365 on 5/1; and 293 on 5/2. During the course of the five nights of Town Meeting, 1,297 different voters were in attendance, representing 11% of the registered voters.